

Parenting Act Fund Policy

1. Eligible applicants. Eligible applicants for the Parenting Act Fund are:

- a. Mediation centers which have been approved by the Office of Dispute Resolution of the Nebraska Supreme Court.
- b. Conciliation courts established by district court rule and approved by the Nebraska Supreme Court.

Comment: The Parenting Act Fund ("Fund") established by virtue of Neb. Stat. 43-2943 authorized the State Court Administrator ("Administrator") to use the fund to carry out the Parenting Act. The Administrator was further authorized to carry out the Parenting Act through the Office of Dispute Resolution, approved mediation centers and court conciliation programs. It is anticipated that the majority of indigent parties referred for mediation participation will be serviced by ODR- approved mediation centers or court conciliation programs and not by private mediators. For this reason, as well as for the reason there is no specific statutory authority to use the Fund to compensate private mediators, proceeds from the Fund will not be dispersed to private mediators.

2. Acceptable uses for the Parenting Act Funds.

- a. Statutory purpose and legislative intent. The purpose of the Fund is to provide access to court-connected mediation for indigent and low income individuals involved in parenting disputes and to expand the resources for the courts in referring or ordering indigent and low income parties involved in parenting actions to mediation and specialized alternative dispute resolution provided by the statewide ODR-approved mediation centers and court conciliation programs.
- b. Uses.
 - i. Program development and management. The Fund may be used to support the development and management of parenting act mediation protocols between the local district courts, conciliation court, the ODR-approved mediation centers, and development and management of parenting act mediation by eligible recipients. Program development and management costs may include planning meetings between court representatives and recipients; workshops; development and implementation of parenting act local rules; development and establishment of administrative processes to separate judicial functions from mediation case management; development of parenting act mediation-related materials; mediator continuing education; initial case management, travel and phone expenses to support covered functions; and other related activities.

Comment: The Fourth Judicial District has an established relationship, protocols, and practices between it and the Douglas County Conciliation and Mediation Office to administer, manage, and provide mediation of parenting plans. It is the policy of the State Court Administrator's Office to support the development of a similar type of relationship between the state's twelve judicial

districts and the six ODR-approved mediation centers in order to build upon the existing professional mediation resources available through these approved mediation centers.

- ii. Parenting plan mediation case funds. The Fund may be used to subsidize the costs of providing mediation or specialized ADR for eligible indigent and low income parties. Costs of parenting plan mediation or specialized ADR may include costs of case management, mediator fees, travel costs, and other related costs pertaining to an individual mediation case.

3. Criteria for Fund allocation.

- a. Program development and management funds, as determined by the State Court Administrator, will be allocated equally among the six ODR-approved mediation centers and the Douglas County Conciliation and Mediation Office during the program years of 2008-09 and 2009-10. Allocation in this category will be reassessed during the second program year, 2009-10 by the Administrator or her designee(s).
- b. Parenting plan mediation case funds will be allocated based upon a proportionate share of dissolution and modification filings per county served by the eligible office or center in a block grant distribution per year as determined by the State Court Administrator, or her designee(s). Allocation percentages will be reviewed annually by the State Court Administrator or her designees, and distribution of funds reallocated as appropriate.
- c. Priorities. During the program years of 2008-09 and 2009-10, the priority for Fund use is to provide a significant portion of the Fund for program development and management. The remaining portion of the Fund will be for subsidizing the costs of mediating parenting cases provided by the ODR-approved mediation centers and the Douglas County Conciliation and Mediation Office. Priorities for the use of the Fund will be reassessed during the 2009-10 program year by the State Court Administrator or her designee.

4. Process for Fund allocation.

The State Court Administrator's Office will determine a process for Fund allocation and distribution.

5. Parenting Act Fund Policy Committee. The committee will be convened from time-to-time by the State Court Administrator, or her designee, to make recommendations on allocation, priorities of the Fund, and other related Fund matters.

6. Granting cycles.

The granting cycle will be annual, beginning with July 1, 2008.

7. Budget. (see attached spreadsheet for the 08-09 and 09-10 program years)

8. Accountability and Reporting requirements.

The recipient of funds ("Recipient") from the Parenting Act Fund agrees to cooperate with the State Court Administrator ("Administrator") to implement a system of financial and performance accountability. The following information shall be provided by Recipient:

a. Financial Accountability:

i. Audit: Recipient shall maintain records and accounts consistently with generally accepted accounting principles or other comprehensive basis of accounting approved in advance by the Administrator. The Recipient shall provide for such physical control as is necessary to assure proper disbursement and use of Parenting Act funds.

Recipient shall be audited annually by a certified public accountant. A copy of such annual audit, along with the management letter shall be provided to the Administrator. Failure to do so may, at the option and discretion of the Administrator, result in a suspension in disbursement of any awarded funds until Recipient has complied with this requirement. Any entity auditing a service provider shall have access to all records of the service provider to the full extent necessary to determine compliance with the eligibility criteria, guidelines and policies and applicable legislation, with the exception of confidential information protected by the State and Federal constitutions, the attorney-client privilege and applicable rules governing attorney conduct. As part of this auditing process, or in addition thereto, each Recipient shall permit the Administrator's representatives to inspect, during regular business office hours, records located at any premises maintained by the Recipient or used by the Recipient in connection with the expenditure funds received under the grant. Recipient will cooperate during such inspections and will furnish any information to the Administrator's representative which is reasonably relevant to determining Recipient's compliance with the grant agreement. The Administrator's right of access to Recipient's records for purposes of compliance will survive the expiration of the grant.

ii. Record Maintenance: Recipient shall maintain records and accounts for disbursements from this fund for a period of not less than five years after the Administrator accepts the Recipient's periodic reports.

iii. Financial Quarterly Reports: Recipient shall file a Parenting Act Fund expenditure allocation with the Administrator on a quarterly basis.

b. Performance Accountability and Caseload:

i. Quarterly Reports: Recipient shall report the following statistics on a quarterly basis to the Administrator:

- (i) Total number of parenting plan cases mediated;
 - (a) number of cases fully mediated;
 - (b) number of cases partially mediated;
- (ii) Total new cases opened;
- (iii) Total number of requests which resulted in an open case which subsequently was not mediated;
- (iv) Number of cases involving specialized alternative dispute resolution (i.e. high conflict or domestic intimate partner abuse cases);
- (v) The number of cases mediated in which one or more of the parties are considered poverty or low income according to the categories set forth in the mediation sliding fee scale guideline as established by the State Court Administrator;
- (vi) Total cases pending at beginning or reporting period;
- (vii) Total cases closed during reporting period;
- (viii) Total case pending at end of reporting period; and,

- (ix) Other information necessary to implement a system of performance accountability that includes the measurement of areas of performance which may include compilation analysis and interpretation of data necessary to measure performance, as requested from time to time by Administrator.

Information contained in these reports shall not identify or enable the identification of any person served by Recipient or in any way breach client confidentiality.

c. Non-Compliance Procedures.

- i. **Compliance Procedures.** If it is determined by the State Court Administrator that there has been a failure by the recipient to comply with these policies, a notification of such shall be made to the recipient setting forth a reasonable period of time for voluntary compliance.
- ii. **Non-Compliance Procedures.** If a recipient does not demonstrate compliance within the periods of time set forth in the notification, the State Court Administrator may impose one or more of the following: withholding of payment, suspending or terminating award, or any other remedies that may be available.

9. Administration of Fund.

The State Court Administrator's Office will administer the Fund.